

**Hearing Dates: January 17–18, 2022 at 10:00 a.m. (Prevailing Eastern Time)**  
**Response Deadline: December 16, 2022**

Michael Friedman  
David T.B. Audley  
Eric S. Silvestri  
Helena Honig  
CHAPMAN AND CUTLER LLP  
1270 Avenue of the Americas  
30th Floor  
New York, NY 10020  
(212) 655-6000  
Fax : (212) 697-7210  
mfriedman@chapman.com

*Counsel to Petitioning Creditors*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

\_\_\_\_\_  
In re: \_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
WYTHE BERRY FEE OWNER LLC, \_\_\_\_\_ )  
\_\_\_\_\_ )  
Alleged Debtor. \_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )

Chapter 11

Case No. 22-11340 (MG)

**DECLARATION OF DAVID T.B. AUDLEY IN SUPPORT OF PETITIONING  
CREDITORS' RESPONSE TO ZELIG WEISS'S MOTION (I) TO DISMISS  
INVOLUNTARY PETITION AND (II) TO THE EXTENT NECESSARY, TO  
INTERVENE AS AN INTERESTED PARTY**

DAVID T.B. AUDLEY, under penalty of perjury declares:

1. I have been admitted *Pro Hac Vice* as counsel for the Petitioning Creditors, in this case and I am a partner at the firm of Chapman and Cutler LLP.

2. As an attorney of record in these proceedings, I am familiar with the facts set forth herein. I make this declaration to provide certain information to the Court and to transmit true and

correct copies of the documents identified herein.

3. True and correct copies of the following documents are attached:

Exhibit 1: Statement Regarding Calculation of Amounts Due and Owing under the Series C Debentures pursuant to a Deed of Trust dated February 19, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 16, 2022  
Chicago, Illinois

/s/ David T.B. Audley  
David T.B. Audley

## **EXHIBIT 1**

**MISHMERET**

**Trust Company Ltd.**

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November 17, 2022

To:  
Michael Friedman, Esq  
Chapman and Cutler LLP  
1270 Avenue of the Americas  
New York, NY 10020

By Email

**Debt Calculation-Series c- All-Year Holdings Limited ("The Company")**

Dear Michael,

Please find attached the series C debt calculation to be used only for the involuntary petition filled in connection with the William-vale hotel.

**Respectfully,**

**Mishmeret Trust Company Ltd**

**Mishmeret Trust Company LTD**



**MISHMERET****Trust Company Ltd.****Debt Calculation-Series c- All-Year Holdings Limited ("The Company")**

As of October 6, 2022, the outstanding amount of the Series C Bonds is 667,758,000 New Israeli Shekel<sup>1</sup> according to the breakdown below:

As of October 6, 2022	NIS	USD <sup>2</sup>	
Principal	579,347,000	163,750,000	The current principal series C bond amount
accrued interest	59,414,000	16,793,000	Original 3.95% Interest rate accrued from the last interest payment date (31 Aug. 2020) to 5 Oct. 2022.  On each of 6 Sep. 2020 interest rate increase by 0.5% (to 4.45% annual interest).  On each of 31 Nov. 2020 interest rate increase by 0.5% (to 4.95% annual interest).
Default interest	28,997,000	8,196,000	Default Interest rate of 3% accrued from 17 Feb 2021 (the day that bonds were accelerated and were called for immediate redemption).  The Default rate is calculated on the outstanding principal and interest accrued until 17 Feb 2021 which was 591,934,000 NIS.
Total	667,758,000	188,739,000	

**Respectfully,****Mishmeret Trust Company Ltd**

Mishmeret-Trust Company LTD

<sup>1</sup> Equivalent to ~\$188,739,000 US based on 3.5380 ILS/USD Fx rate. The debt is nominated in New Israeli Shekels.

<sup>2</sup> ILS/USD exchange rate used 3.5380 - convenience calculation only, debt is nominated in NIS.